

REMARKS

In response to the above-noted Office Action, Applicant has cancelled Claims 1 and 9 and added Claim 19.

Responsive to the objection to the drawings appearing at page 2 of the Action, submitted herewith are Figures 2-6 which have been corrected responsive to the various objections noted by the Examiner. The Examiner also indicates that the various parts of Figure 1 should be connected by connecting lines and/or embraced by a bracket. In response, Applicant notes that the replacement sheet for Figure 1 filed November 10, 2005 shows the various parts enclosed by a bracket. Accordingly, reconsideration and withdrawal of the objection to the drawings is requested.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph as being indefinite, the Examiner objecting to certain indefinite terms. In response, Applicant has cancelled Claim 1 and replaced it with new Claim 19 in which indefinite terms have been removed. Applicant notes that although Claim 19 includes terms such as "able to move," Applicant notes that in all cases, such terms are functional rather than structural in nature and all structural elements of the claim are clear and definite.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Harvey et al. Claim 1 is further rejected under 35 U.S.C. 102(b) as being anticipated by Vetter. Reconsideration and withdrawal of these rejections are requested in view of the following discussion.

In the Office Action, the Examiner contends that both Harvey's and Vetter's handles are "capable of performing Applicant's claimed functional statements." However, neither Harvey's nor Vetter's handles have a locking mechanism which prevents the handle from moving to the second position upon a force being applied to the handle which causes the handle to move to the second position. In both Harvey and Vetter, a force is applied to the handle which causes the handle to move between the first and second positions, because the detent action is sufficient to hold the handle in normal in-use position, but not sufficient to prevent movement to the non-use position upon a force being applied to the handle to cause such movement to occur. Additionally, neither Harvey nor Vetter disclose the locking mechanism slidingly engaged through the handle member. Furthermore, neither Harvey nor Vetter disclose a push button located at an exterior surface of the handle member and a block portion within the handle and positioned between, and in contact with opposed surfaces of the handle member, and the base to thereby block any pivoting of the handle member relative to the base.

It is therefore believed that Claim 1, as amended, more particularly defines the differences between the present invention and overcomes the problem associated with both Harvey and Vetter where the handle can "collapse" during operation, because movement between the first and second positions is resisted but not prevented.

Furthermore, with reference to the Examiner's contention that element 24 in Harvey is a push-button since it is not reliant on a pushing action being applied to it to cause the so-called "locking member 25" to move to a release position, it cannot properly be referred to as a locking member as that term is used by Applicant. Rather, element 24 is simply a clip as set forth in Harvey. In fact, the only pushing action that can be applied to clip 24 is one which will increase the locking action rather than move the clip 24 to a release position.

When the handle is in the non-use position, which is shown in Figure 3, the clip 24 is not accessible. Therefore, it would be impossible to apply a pushing action in the direction of arrow 17, as suggested by the Examiner. Furthermore, the Examiner's suggestion that the clip 24 would be "inherently bent outwardly" is not understandable because any pushing action in the direction of arrow 17 would push the clip inwardly so as to increase the locking action.

Accordingly, since the cited references do not teach a handle as defined by Applicant in Claim 19 and disclosed in the application, Applicant submits that each of the elements of Claim 19 are not disclosed by the prior art. Therefore the rejections under 35 U.S.C. 102(e) and 35 U.S.C. 102(b) cannot be maintained.

Accordingly, reconsideration and withdrawal of the rejection of Claims 2-8 and 10-19 in view of the prior art of record is requested. Since the rejection to Claim 1 has been addressed, and since Claims 2-8 and 10-18 depend directly from Claim 19, Applicant submits that all Claims pending examination, namely Claims 2-8 and 10-19 are now in condition for allowance, which early action is requested.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on July 5, 2006.

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